The Cramdown

The Newsletter of the Tampa Bay Bankruptcy Bar Association Fall, 2002

Editor, Donald R. Kirk

President's Message

Founding Fathers' Vision Met, Exceeded

Past experience, if not forgotten, is a guide to the future. –Chinese Proverb

As the Tampa Bay Bankruptcy Bar Association begins its 15th year, a retrospective piece seems appropriate for this space. Who started the association? Why? Has their vision been met?

The starting point for the answers to these questions can be figured out easily enough by looking at our past leaders. Initial chairman Leonard Gilbert and initial president Don Stichter were part of a small group who decided that the bankruptcy practitioners in town needed a specialty bar association. Leonard credits Don and Harley Riedel with the follow-through: "We had talked about this long enough, but they are the ones who pushed it. The rest of us were really along for the ride, but we had a good time doing it."

Don remembers it just a bit differently. "My recollection is that Doug McClurg was very much a mover and shaker," he said. Doug credits the idea of the association to then-newly appointed bankruptcy judge Tom Baynes. "So, I called Leonard, Don, Harley, Bill Zewadski, Bob Glenn, and Dick Prosser, and said 'let's put something together.' We got started, signed up some folks, collected some dues, and offered some educational programs. In later years we added the newsletter and annual dinner," said Doug.

In short, the collective wisdom of the group shows that the association was the product of a team effort, much like it is today.

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Clerk's Corner

By Charles G.Kilcoyne

CM/ECF - BANKRUPTCY PRACTICE IN THE ELECTRONIC ERA

Transition to CM/ECF (Case Management/Electronic Case Filing) is progressing. Representatives of the Clerk's office have organized committees to establish "docket event codes", develop "work flow processes", and most importantly, are becoming proficient in the use of CM/ECF in order to train our "customers". These courtroom deputies, case managers and intake staff members are devoting time away from their normal duties, but I would hope that, with the help of their teammates, their pending caseload will be timely administered.

In the coming months, further information will follow regarding training that will be offered to you and your staff. We will seek the assistance of your Association to determine those attorneys or group of attorneys, based on the nature of their practice, that will be offered training first, along with the panel

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Inside This Issue

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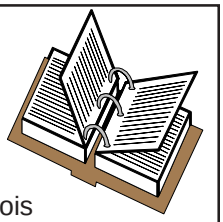

EVENT	DATE	TIME	LOCATION
National Conference of Bankruptcy Judges	October 2-5, 2002		Chicago, Illinois
TBBBA Lunch Program - Mediations	October 8, 2002	12:00 P.M. - 1:00 P.M.	Downtown Hyatt
View From the Bench - Judge's Reception	November 6, 2002	5:30 P.M. - 7:30 P.M.	Tampa Club
View From the Bench	November 7, 2002	8:30 A.M. - 12:00 P.M.	Downtown Hyatt
27th Annual Bankruptcy Seminar and Workshop	December 6-8, 2002		Clearwater Beach Hilton
Florida Bar Midyear Meetings	January 15-18, 2002		Hyatt Regency, Miami

THE TAMPA BAY BANKRUPTCY BAR ASSOCIATION
2002-2003
Committee Chairs

The Association is looking for volunteers to assist us this coming 2002-2003 year. If you are interested in getting more involved with the Association or one of the Standing Committees, please contact any one of the Association officers or the Chairpersons listed below.

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VIEW FROM THE BENCH

JUDICIAL ESTOPPEL
In Bankruptcy, You Disclose It or You Lose It

By Honorable C. Timothy Corcoran, III

In the last issue of *The Cram Down*, I wrote about the importance of complete and accurate petitions, schedules, and lists. No sooner did that column go to print than our court of appeals decided an employment litigation case that underscored in spades the points I was making. The case is *Burns v. Pemco Aeroplex, Inc.*, 291 F.3d 1282 (11th Cir. 2002). Read this column and ask yourself, "Could that have happened to me?" Here's what occurred . . . .

Facts

Levi A. Billups, III, worked for Pemco Aeroplex, Inc., when he filed a Chapter 13 case. Six months later, Billups filed a charge of discrimination with the EEOC against Pemco. Two years after that, Billups filed an employment discrimination action against Pemco in the district court. Ten months later, he converted his Chapter 13 case to a case under Chapter 7. Billups never disclosed the existence of the discrimination claims in the bankruptcy case; he did not amend his schedules and statements when he filed the discrimination action or at any time thereafter, and he did not list the lawsuit in his amended schedules when he converted the case to a case under Chapter 7. Accordingly, the bankruptcy court, the trustee, and creditors did not know of the discrimination suit. Three months after the conversion, Billups received a Chapter 7 discharge of approximately $38,000 of debts, and the bankruptcy court closed the case as a "no asset" case.

Sometime later, Pemco learned about Billups' bankruptcy case and that Billups had not disclosed the lawsuit in the bankruptcy court. Pemco raised the defense of judicial estoppel in the discrimination action and moved for summary judgment. The district court granted Pemco's motion and dismissed Billups' claims because he had failed to disclose them in the bankruptcy court. The court of appeals affirmed the dismissal of Billups' monetary claims but reversed and remanded so that Billups could pursue his claims for injunctive relief.

Judicial Estoppel

Burns v. Pemco Aeroplex illustrates the doctrine of judicial estoppel. Judicial estoppel is "an equitable concept intended to prevent the perversion of the judicial process" and to protect its integrity "by prohibiting parties from deliberately changing positions according to the exigencies of the moment." *Id.* at 1285. Thus, a party to one court proceeding may not assert a claim there that is inconsistent with a claim that party asserted in a previous proceeding.

To establish judicial estoppel, one must satisfy two criteria. First, one must show that the allegedly inconsistent position was taken under oath in the prior proceeding. Second, one must show the inconsistencies were calculated to make a mockery of the judicial system through an intentional manipulation of the courts.

Because Billups submitted his bankruptcy schedules and statements under oath, the court of appeals concluded that the application of judicial estoppel turned on the question of Billups' intent. On that issue, the court relied on the bankruptcy court record to infer Billups' intent. The court found that Billups pursued his employment discrimination claims during the pendency of the Chapter 13 case but never amended his schedules and statements to include them. Billups again failed to include these claims in the amended schedules he filed when he converted the case to a case under Chapter 7. The court wrote:

> Given these undisputed facts, we think the district court correctly concluded that Billups possessed the requisite intent to mislead the bankruptcy court and correctly barred him from pursuing his discrimination claims, at least to the extent that he sought money damages.

Id. at 1288. The court also inferred that Billups had motive to manipulate because he stood to gain by concealing the claims from the bankruptcy court.

Notably, the court of appeals affirmed the district court's determination of intentional manipulation on a summary judgment record. The court rejected Billups' claim that the omissions were inadvertent error. Presumably, Billups opposed Pemco's summary judgment motion with his affidavit supporting this claim of inadvertent error. The district court's decision, affirmed by the court of appeals, was that the summary judgment record contained no fact issues and that Billups' intent was established solely by his failure to disclose. Billups, therefore, was not given the chance to get to the trier of fact on the issue. This is unusual because intent can rarely be determined on a summary judgment basis.

The court of appeals also rejected Billups' other arguments. It made no difference that Pemco was not a creditor or a party to the bankruptcy case or that Pemco was not prejudiced by the omission. Judicial estoppel operates to protect the integrity of the judicial system — not the litigants.

The court likewise rejected Billups' suggested remedy of reopening the bankruptcy case to amend the schedules: Allowing Billups to back-up, re-open the bankruptcy case, and amend his bankruptcy filings, only after his omission has been challenged by an adversary, suggests that a debtor should

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View From the Bench *(Cont. from page 4)*

consider disclosing potential assets only if he is caught concealing them. This so-called remedy would only diminish the necessary incentive to provide the bankruptcy court with a truthful disclosure of the debtors' assets.

Id.

Lessons to Learn

Although *Burns v. Pemco Aeroplex* was an employment discrimination case — and not a bankruptcy case — the court of appeals emphasized a bankruptcy debtor's obligation to disclose. "The duty to disclose is a continuing one that does not end once the forms are submitted to the bankruptcy court; rather, a debtor must amend his financial statements if circumstances change. * * * * Accordingly, 'the importance of full and honest disclosure cannot be overstated.'" *Id.* at 1286.

This case demonstrates that the courts will take strong action in applying principles designed to protect their integrity. The underlying principle of judicial estoppel applies with special force when the party who is adopting an inconsistent position is a bankruptcy debtor who has failed to discharge the debtor's duty to disclose.

The case also demonstrates that the courts will apply these principles to protect their integrity even at the expense of creditors. It apparently did not matter to the court of appeals (or perhaps the court was unaware) that it was affirming the dismissal of the estate's claim of discrimination — not the debtor's claim. It did not matter to the court of appeals that the trustee — who represented the estate — was not a party to the case in which it affirmed the dismissal of the estate's claim. Had the court of appeals permitted the debtor's suggested remedy of reopening the case and amending the schedules or had the trustee simply intervened and substituted for Billups as plaintiff in the discrimination action, the Chapter 7 trustee would have administered the estate's discrimination claim. That administration may have resulted in a distribution to creditors in partial or full satisfaction of their claims. In these circumstances, however, it was more important to protect the court's integrity by punishing the debtor for failing to disclose than it was to have creditors paid. Assuming the statute of limitations has expired, the creditors pay a high price to protect the court because the dismissal of the claim prevents the trustee from administering the claim for the benefit of creditors.

The implications of the application of the doctrine of judicial estoppel are broad, particularly when —

- the court of appeals emphasizes a bankruptcy debtor's continuing duty of disclosure;
- the court permits finding the intent to manipulate from a summary judgment record consisting of facts showing a prosecution of a claim in one court at the same time the debtor fails to disclose that claim in the bankruptcy court; and
- the court (albeit perhaps unintentionally) affects the bankruptcy estate when the trustee is not a party to the case.

Just think about how these principles can be applied — both offensively and defensively — in other contexts.

Conclusion

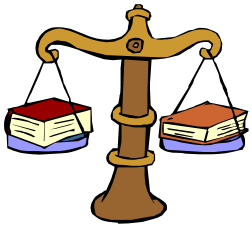
In last issue's column, I wrote about some of the horribles that can occur when a debtor's bankruptcy schedules are not completed completely and accurately. That article dealt with the potential harm that can occur within the bankruptcy case. *Burns v. Pemco Aeroplex*, however, demonstrates that the potential ramifications of inaccurate or incomplete schedules may extend well beyond the bankruptcy case itself.

Clerk's Corner *(cont. from page 1)*

trustees and U.S. Trustee's office, both in the Tampa and Ft. Myers Divisions. We anticipate attorney training will start sometime after the first of the New Year.

CM/ECF as the acronym suggests, can be divided into two components. Case Management (CM) and Electronic Case Filing (ECF). Our goal is to transition the Clerk's office to CM, which will replace our existing system before the end of the year. Under the CM component, all new cases and all subsequent filings related to those cases will be scanned into CM/ECF by the Clerk's office staff. In addition, documents for a certain number of open cases determined to be very active will most likely also be scanned into the new system. This will allow us to provide hyperlinks from the docket to an image of the document that relates to it, thus allowing users to access the scanned document from their own computer. The ECF component allow attorneys to file (and thereby record on the official case docket) petitions and other pleadings electronically. Due to the number of attorneys that will need to be trained throughout the district and to the level of coordination required among all three divisions to accomplish this, full implementation of ECF will be a more gradual process. The exact dates have not yet been determined, however, as mentioned above we hope to start in the early 2003. Through this publication and through other announcements, we will keep all members of bar informed of our progress.

Of special note, Judge Paskay's annual Stetson Law School seminar has requested that we provide a one-half day seminar on Thursday, December 5, 2002. This presentation will be "live" practical CM/ECF demonstration of case opening and filing of motions, with a round table discussion of specific issues, such as certification of attorney/users, and a question and answer session. Registration information will be forthcoming from Stetson Law School.



CASE LAW UPDATE

By Andrew T. Jenkins

In re Kalter,
292 F.3d 1350 (11th Cir. 2002)

Pursuant to Florida law, an automobile repossessed by a secured creditor prior to the filing of a Chapter 13 petition is not part of the debtor's estate under Section 541 of the Bankruptcy Code.

In June, the Eleventh Circuit (the "Court") addressed whether a Chapter 13 debtor could foil the "repo man" and require a secured creditor to return an automobile repossessed pre-petition to the bankruptcy estate. The appeal, involving two Chapter 13 debtors (collectively, the "Debtors"), was actually two separate cases consolidated for appeal. The Debtors, in their respective cases, had an automobile repossessed by a secured creditor just prior to filing for Chapter 13 protection. The bankruptcy court in each case had required the secured creditors to return the vehicle to the Debtors. In each instance, the district court overturned the bankruptcy court's decision. On appeal to the Eleventh Circuit, the Court, affirming the district courts' rulings, held that a vehicle repossessed pre-petition falls outside of the Chapter 13 Debtors' estates under Florida Law.

In its determination, the Court turned to state law for the nature of the Debtors' interest in the automobiles and analyzed two distinct provisions of Florida law. First, the Court examined Chapter 679 of the Florida Statues, otherwise known as the Florida Uniform Commercial Code ("Florida UCC"). The Court scrutinized several key provisions of the Florida UCC including: Section 679.503 that allows a party secured by collateral to take possession of its collateral upon default by the debtor without judicial process; Section 679.503 that allows a secured party the choice of retaining or disposing of the repossessed property; Section 679.504 that entitles the debtor to any surplus of proceeds from the sale of the collateral; and Section 679.506 that allows the debtor to redeem the collateral by tendering fulfillment of all of its obligations as well as any expenses incurred by the secured party preparing the collateral for sale prior to its disposition. Despite the Debtors' arguments on the above sections and other relevant provisions in the Florida UCC, the Court concluded that Chapter 679 does not address the ownership of the repossessed collateral, but merely dictates how a secured party may repossess and dispose of its collateral. Therefore, the Florida UCC was not determinative of the central issue in the case.

The Court then turned to Section 319.28 of the Florida Statutes, Florida's Certificate of Title statute, for guidance. Though certificate of title is generally required to sell an automobile in Florida, this section of the Florida Statutes allows a secured party who has repossessed its collateral to obtain certificate of title from the state through the submission of an affidavit swearing to the repossession as "proof of ownership." The Court also noted that rather than a simple written protest by a debtor, a court order was required to prevent the issuance of this new certificate of title. In addition, the statute allows the secured party who has repossessed an automobile to streamline the transfer of ownership process by obtaining a certificate of repossession in lieu of a certificate of title. Therefore, the name on the certificate of title would change directly from the debtor to the third-party buyer, bypassing the secured creditor. Based upon the above considerations, the Court held that the Certificate of Title statute expressly stands for the proposition that transfer of ownership occurs upon repossession of the automobile.

To further support its ruling, the Court examined applicable case law in Florida and concluded that *Ragg v. Herd*, 60 So.2d 673 (Fla. 1952) and *Cooney v. Jacksonville Trans. Auth.*, 530 So.2d 421 (Fla. DCA 1988) demonstrate that the certificate of title was merely evidence of an automobile's ownership and could be refuted through the use of additional evidence. Therefore, additional methods of transferring title to an automobile exist. Further, the court held that Florida case law, namely *Bunting v. Daly's, Inc.*, 528 So.2d 106 (Fla. DCA 1988) and *Correria v. Orlando Bank & Trust Co.*, 235 So.2d 20 (Fla. DCA 1970), clearly indicates that ownership of the automobile can transfer without a certificate of title or even without a certificate of repossession.

As such, relying significantly on Section 319.28 of the Florida Statutes and relevant case law, the Court ruled that an automobile repossessed pre-petition fell outside of the property of the Chapter 13 estate under Section 541 of the Bankruptcy Code. This ruling brings Florida Chapter 13 bankruptcy cases in line with the Eleventh Circuit's previous ruling *In re Lewis*, 137 F.3d 1280 (11th Cir. 1998), which interpreted Alabama law on the same issue. Overall, it is unclear whether this is a victory for the creditor or the debtor in a Chapter 13 proceeding. At a minimum, it is a defeat for the debtor as the debtor is now foreclosed from utilizing a Chapter 13 proceeding to force a secured creditor to return the repossessed automobile to the protection of the bankruptcy estate.

FLORIDA BAR SEEKS HELP FOR "DIGNITY IN LAW" PROGRAM

This summer The Florida Bar launched an education and awareness program entitled "Dignity in Law." The new initiative, the first of its kind in the nation, seeks to communicate the positive work of attorneys. The Bar is asking every member to contribute $45 on the annual Bar Fee Statement to support the communications program and allow the Bar to maximize its efforts to illustrate the positive work of attorneys to reporters, editors and the public.

The Florida Bar's president-elect Tod Aronovitz described the landmark program this way "For a small business owner, a corporate leader, or any member of the community, reputation is absolutely vital to success, and for attorneys, it can be less important. It's time for lawyers across Florida to make the case for our profession, and to combat the dangerous, negative stereotypes that damage public confidence in the legal framework that supports our democracy." Results from The Florida Bar's 2001 Member Survey underscore this sentiment. Regardless of age or title, reputation was the number one issue for all.

Aronovitz indicates that the awareness program will employ new communications techniques to explain the mission and success of attorneys through the eyes of the people served. Key elements of the program include:

- A greatly enhanced website designed to give media greater access to the Bar's message and a compelling reason to write.
- An email campaign to communicate to legislators, media and influentials on a consistent basis.
- The creation of strategic alliances with non-traditional partners who share the Bars target audience.
- The creation of consumer-friendly case studies that reach the hearts and minds of anyone who sees them.
- A high intensity editorial media outreach campaign to counterbalance negative publicity.
- An intense measurement system to ensure the program is delivering a return on investment.

The program rolled out in July. If you'd like to contribute, you can send a check to: The Florida Bar, 650 Apalachee Parkway, Tallahasee, Florida 32399-2300

President's Message *(Cont. from page 1)*

No matter how modest the "official" founders – Leonard and Don — are about claiming credit for the creation of the association, they are as enthusiastic as a proud founding father could be about how the idea has turned out so far.

"The thought was that the bankruptcy practice had grown; we had a lot of people practicing in the Tampa Division, but not everyone knew each other," according to Leonard. "We thought we could probably help each other if we had an organization to use as a vehicle to produce helpful programs with specialized legal education and to get a good dialogue going between bench and bar," he said, "We do things together and for other people. I am very pleased with the result. It's turned out better than we probably thought it would." Don concurred: "The idea was to improve the contacts, have an organization that can meet a lot of common goals and deal in an organized way with common problems and objectives. I think the association's done an excellent job of fulfilling those goals."

Both Don and Leonard were and continue to be satisfied with the level and mix of our membership. "In retrospect," said Don, "we had such a volume of bankruptcy work and bankruptcy practitioners that we were well overdue when the organization got started." Added Leonard, "We were surprised how well the membership grew. We were over 65 members or more at the outset." "We have a solid membership," added Don. Last year's membership total of 260, with an average of 100 of those regularly attending the monthly meeting and educational program, bears him out. The early board meetings at Dick's office were also well attended, thanks to the drawing card of a home-cooked breakfast by members' wives.

As well, said Don, "we hit the right level on the make-up of our membership. We have balance. Our people run the gamut from consumer lawyers, creditors' lawyers, and lawyers who handle reorganization chapters." The balance was no accident. "We tried to create a diverse board so we would attract all kinds of practitioners — big case, small case — and make sure no one was left out," explained Leonard.

The association's educational programs received high marks from the founders as being consistently good in content and ever improving as the years have rolled by. "We have many informative meetings – and to give us continuing legal education credit for them is excellent," said Don. "The programs have really helped raise the quality of the bankruptcy practice all throughout the Middle District," observed Leonard.

The quality of the practice is impacted in another way by our association, according to Don. "I think the bankruptcy bar meets the standards of professionalism better than the bar as a whole. Our organization assists our members to meet those standards."

A "pleasant occurrence" that was not expected in the beginning has been the involvement of our judges in our programs, reflected Don. "The judges have been a real boost to our organization in that they have participated so well and effectively, and that certainly has enhanced the prestige of the association and being a member in it," he said.

As we look down the road at how the next 15 years should be traveled, we should, of course, judiciously consider new programs to benefit our members and the community, but we must also keep an eye on our past and continue doing what we do well. We will attempt to do that this year by involving more of our practitioners, offering stimulating educational programs at an affordable cost, inviting our judges to speak and write for us, creating a forum for airing concerns with our judges and the Clerk's office, and publishing a newsletter with news you can use.

The next time you see Leonard, Don, Harley, Doug, Bob, Bill, or Dick in the courthouse corridors, you might thank them for their early efforts at establishing this association as the premier voluntary bar association for bankruptcy lawyers in Florida. Better yet, in addition to thanking them, let them know you appreciate their spadework by volunteering to become an active participant in one or more of our committees.

POSTCARDS FROM ITALY

Una lettera da Italia...

Buongiorno,

What do you get when you mix a bunch of bankruptcy lawyers, beloved judges, friends and family, spectacular scenery, great food and wine and CLE credit? You guessed it, a heckuva great time in Lake Como, Italy. I could simply say, "Having a great time, wish you were here," but that would not do the International Bankruptcy Symposium justice, no pun intended.

With Judge Paskay as our chaperone, creditors' lawyers, debtors' lawyers and Chapter 7 trustees, with friends and families in tow, set out for what was slated to be a great trip to some of the most beautiful country in Western Europe. What we didn't know was how strong the educational component would be. We heard Chapter 13 from A to Z, Expert Witness Evidence, Chapter 11 Strategy, Ancillary to a Foreign Proceeding, Model Law on Cross-Border Insolvency, European Region Insolvency, First Day Orders in Chapter 11,

Sid Jensen, Jill Gunn, Steve Berman and Diane Jensen

Rose Paskay, Judge Paskay, Angela Stathapoulos and Traci Strickland

Cross-Border Insolvencies, Liability of Officers and Directors of a Debtor for Misfeasance, Malfeasance and Breach of Fiduciary Duty, New Perspectives of Italy's Bankruptcy Law, Common Evidentiary Problems, Cash Collateral Problems, Executory Contracts, Jurisdictional Issues in International Bankruptcy, provided us a great 11 hours of information packed programming. Of course, we worked from 8:30 a.m. to 12:30 p.m., leaving the afternoons for trips on the Alpen lakes of Northern Italy to Bellagio (the real one), to a silk factory, Medieval villages and a winery (where absolutely no alcoholic beverages were consumed). Oh yeah, by the way, the classroom in which we enjoyed our seminars, was in a converted monastery (or monastero) overlooking Lake Como, with the Swiss Alps beyond. Coincidentally, it was also the classroom where the renowned Prof. Enrico Fermi gave his lectures on topics in physics which I'm sure we all could understand as well as the Rule Against Perpetuities.

Great memories... Judge Paskay's assisting airplane mechanics with the reading of an engine repair manual, Diane Jensen's royally palatial hotel room, Judge Williamson's easy to understand Daubert testimony lecture, Robi Colton's lecture attendance record, Kim Johnson's horizontal elevator up the side of a mountain to her hotel, and the "terrapins." If you missed out this year, you'll have your chance next year. Judge Paskay and the top notch CLE team at Stetson University College of Law are already planning the 2003 International Bankruptcy Symposium in York, England (for all of you geographical wizards, that would be "Old" York). The food won't be as good but the company will be outstanding. Hope to see you there...

Forever Yours,
Steve Berman

Doug Menchise and wife, Beth Ann Scherrer and father, John Brook and wife, and Jan and Herb Donica

TRUSTEE'S REPORT

New Chapter 7 Panel Members

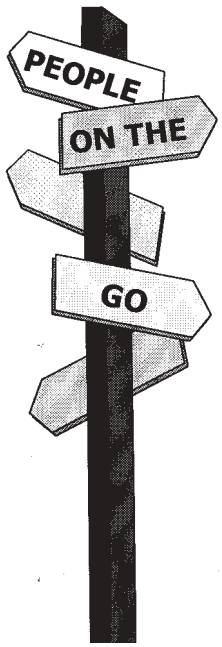
The Office of the United States Trustee announces the addition of six new chapter 7 panel members for the Tampa/ Fort Myers Divisions. This was the result of the continuing increase in chapter 7 filings. Angela L. Welch Esposito, Randall C. Heipe, Robert F. Melone, Cindy L. Runyan, and Angela Stathopoulos will serve the Tampa Division, and Robert E. Tardiff will serve the Fort Myers Division. Presently, all new panel members will serve on a part-time basis with the Tampa trustees conducting meetings of creditors on alternate Fridays, and the Fort Myers trustee conducting meetings of creditors on Tuesday mornings.

New United States Trustee Trial Attorney

Denise E. Barnett has joined the staff of the Tampa Office of the United States Trustee as a trial attorney. She was a judicial law clerk for the Honorable George L. Proctor, and most recently was an associate with the firm of Smith Hulsey & Busey located in Jacksonville, Florida where she practiced in the area of bankruptcy law.

Debtor Identification Program

For cases filed after January 1, 2002, all individual chapter 7, 13, 11, and 12 debtors must provide proof of their identity and proof of their social security number at the meeting of creditors. Even though this program has been in place for many months, the number of cases that are filed with incorrect social security numbers is substantial. This creates additional work for the trustee, debtor and debtor's counsel. Because a social security number is critical for the purposes of identifying the debtor for administration of the case and for noticing creditors of the bankruptcy filing, and the fact that an erroneous social security number may have an adverse impact on an innocent party whose social security number is the same as the one improperly used by the debtor, corrective action must be taken. The United States Trustee requests that the debtor file an amended petition, with service on all creditors, and notify the three major credit reporting agency that an incorrect number was originally used and advise them of the correct number to include in their records. If the debtor fails to take the necessary steps to correct the social security number, the United States Trustee may seek to compel compliance or to dismiss the case. To avoid this problem, bankruptcy practitioners should specifically request that their clients verify that the social security number is correct before filing the petition with the bankruptcy court.



Denise E. Barnett, formerly with Smith Hulsey & Busey, is now an attorney with the **Office of the United States Trustee** in Tampa.

Russell M. Blain, a partner with **Stichter, Riedel, Blain & Prosser, P.A.**, was selected to chair the Bankruptcy/UCC Committee of the Florida Bar's Business Law Section.

J. Ryan Chandler, IV has become associated with **Bush Ross Gardner Warren & Rudy, P.A.**

John D. Emmanuel, a shareholder with **Fowler White Boggs Banker**, was elected Chair of the Business Law Section of the Florida Bar.

A. Christopher Kasten, II, formerly a partner with Allen, Dell, P.A., is now a shareholder with **Bush Ross Gardner Warren & Rudy P.A.**

David H. Shaw, II, has become associated with **Forizs & Dogali, P.L.**

Please contact Ryan Chandler with any news concerning TBBBA members at (813) 224-9255 (telephone), (813) 223-9620 (facsimile) or rchandler@bushross.com.

HAVE YOU RENEWED?

Please make sure that you have paid your membership dues for this term.

For membership information or a copy of our current application, contact
David J. Tong
David.tong@salemsaxon.com

WELCOME NEW MEMBERS

Carrie Beth Baris
John Bianco, III
Amy C. Boohaker
Lisa M. Castellano
J. Ryan Chandler
Alfred A. Colby
Kristi Neher Davisson
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Peter Max Fallon
Cristine A. Finck
Christine Herendeen
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